

E. Rollins-Cross, Director, Patent  
Examining Groups 3710 / 3720  
U.S. Patent and Trademark Office  
Washington, D.C. 20231



BA d Appeals AF  
#431/2

RE: Inquiries about the examining group's training procedure and counter-corruption and anti-discrimination policies (Not pertinent to any application / appeal proceeding).

Dear Director:

08/833,342

#### I. PURPOSES

1. The undersigned respectfully submits this letter, as an independent inventor, for inquiring about the Office's (i.e., the "U.S. Patent and Trademark Office") and the Examining Groups' general procedures of training the Examiners and about the Office's counter-corruption and anti-discrimination policies, as described in details hereinbelow.

2. The undersigned has filed several patent applications in the Office, including an application entitled "Computer-Controlled Talking Figure Toy with Animated Features" and filed 04/04/1997 (Application No. 08/833,342, hereinafter, the "Application"), which is being prosecuted by the undersigned as a *pro se* applicant pursuant to 37 C.F.R. § 1.31. The Application was pending before your Examining Groups (Art Unit 3721 / 3713), during which the undersigned filed two petitions to the Group Director and contacted the Director several times (see EXHIBITS D-F) with respect to certain irregularities in the application proceedings thereof. The Application and is not pending before the Board (i.e., the "Board of Patent Appeals and Interferences").

3. The undersigned firmly believes that, the overall actions of the Examiners in association with said Application constitute discrimination, abuse of discretion, and conspiracy, as evidenced by many irregularities in the Examiners' actions, including, without limitation, certain statements in the "EXAMINER'S ANSWER" dated 12/28/2000 (EXHIBIT A) in answer to the Applicant's "Appeal Brief", as described in details in Section II hereinbelow, and that, said irregularities in the Examiners' actions may well be resulting from those (so-called) powerful (i.e., corruption power) having access to and control of the Office's certain operation units / personnel in order to protect some established large corporation's business interests.

4. It is the undersigned's understanding that the existing rules binding upon the examiners of the Office and governing the current patent examining procedures adopted by the Office do not provide

sufficient protection of the rights for the independent or minority inventors, and, in some cases, may even facilitate examiner's abuse of discretion, discrimination, and corruption, as evidenced by the facts described in Section II hereinbelow. The undersigned respectfully inform the Director that he will make utmost efforts, by any and all means, to petition the law makers to amend the current rules so as to diminish those (so-called) powerful 's access to the Office and the examiners' and the Office's other employee's potential act of discrimination and abuse of discretion against the independent or minority inventors, as so encountered by the undersigned during said Application proceedings, which is the cause of the present submission for the purpose of having better understanding of the Office's training procedure and counter-corruption and anti-discrimination policies.

5. The present submission is not pertinent to the application / appeal proceedings of said Application, nor submitted under a specific rule set forth in 37 C.F.R. Thus, it is respectfully requested that the present paper not be entered on the file wrapper of said Application or be placed in the application file thereof.

## II. PERTINENT FACTS

6. With respect to the aforementioned Application, the following is a showing of the Examiner's refusal of following the examining procedures set forth in M.P.E.P. (i.e., the "Manual of Patent Examining Procedure"), which has resulted in the right of the undersigned being unduly prejudiced:

- (a) The "Examiner's Answer" (EXHIBIT A) dated 12/28/2000 in answer to the undersigned's "Appeal Brief" was sent to the undersigned's more than six and half (6.5) months after the filing of the original and complete Appeal Brief on 06/06/2000 (EXHIBIT C); and The application file was transferred to the Board from the examining group more than sixteen (16) months after the undersigned's 10/27/1999 "Request for Reconsideration" in response to the first Office Action, despite the facts that the undersigned was anxiously looking forward to advancing the application proceedings and having the jurisdiction thereover passed to the Board, as evidenced by the undersigned's repeated written and telephone inquires about the status of the application (EXHIBITS F-G);
- (b) According to M.P.E.P. § 1208, "The examiner should furnish the appellant with a written statement in answer to the appellant's brief within 2 months after the receipt of the Brief by

the examiner"; However, as described above, the "Examiner's Answer" dated 12/28/2000 (EXHIBIT A) was sent to the undersigned more than six and half (6.5) months after the filing of the original complete "Appeal Brief" on 06/06/2000 (EXHIBIT C);

- (c) According to M.P.E.P. § 1206, "The brief of a *pro se* appellant which does not contain all of the items, (1) to (9), specified in 37 C.F.R. § 1.192(c) will be accepted as long as it substantially complies with the requirements of items (1), (2), and (8)"; Thus, the Examiners' "Notification of Non-compliance with 37 C.F.R. § 1.192(c)" (EXHIBIT B), dated 07/26/2000 and reciting 37 C.F.R. § 1.192(c)(9) with respect to appending correct copy of amended Claims in the Appeal Brief filed 06/06/2000 (EXHIBIT C) as cause thereof, does not comply with such procedure set forth in M.P.E.P. § 1206, which has resulted, in part, in the foregoing delay; Furthermore, the undersigned's original Appeal Brief filed 06/06/2000 does comply with the requirements of 37 C.F.R. § 1.192(c)(9), since it does include an appendix containing a copy of the Claims involved in the appeal, with a copy of the amendment thereof attached thereto (see EXHIBIT C);
- (d) Chapters 2100 and 700 of M.P.E.P. provide extensive coverage of the procedures and requirements for Examiner to apply authorities, such as binding legal precedent established by prior case law, in allowing and rejecting claims. The undersigned has made repeated requests that the Examiners follow such legal authorities in rejecting claims and in response to the undersigned's such citation of legal precedent / authorities, as so stated in the "Appeal Brief" filed 06/06/2000 and 08/29/2000 (Pages 4-5, Section VIII.1), in the "Response to Office Action" filed 10/27/1999, and in the "Petition to Invoke Supervisory Authority of the Commissioner" filed 06/16/2000 (EXHIBIT D, Pages 6-7, Section 9). In response thereto, the Examiners states in the "Examiner's Answer" (EXHIBIT A), filed 12/28/2000 in answer to the undersigned's "Appeal Brief", that "Appellant is apparently requesting a discussion of the legal precedents regarding the case. However, the Examiner has made the rejections based on the claims and the prior art [(note) *i.e. the Examiner's understanding thereof*], ..., not on legal arguments, ..." (page 8 of "EXHIBIT A");
- (e) The "Office Action" filed 05/15/2000 refers to "In re Fine, 837 F.2d 1071, 5 USPQ2d 15 (Fed. Cir. 1988)" and "In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992) in supporting the Examiner's obviousness rejections therein. The undersigned acknowledges

that discussions of the court decisions in "In re Fine" and "In re Jones" are provided in M.P.E.P. § 2143.01, which apparently states that the court decisions in both two cases reversed the obviousness rejections.

### III. ACTION REQUESTED / INQUIRES

7. The foregoing is a clear showing of the Examiners' bad faith in acting upon said Application, which was described, in part, in the two petitions to the Group Director filed 06/16/2000 (EXHIBIT D) and 10/27/1999 respectively. The Group Director is hereby respectfully requested to admit that such examiners' actions constitute discrimination and abuse of discretion.
8. The undersigned also requests, respectfully, that the Director provide answers to the following interrogatories with respect to the examining group's operation?
  - (a) Are those authorities such as legal precedent established by prior case law and described in M.P.E.P. binding (i.e., legally) upon the examiners of the patent examining groups?
  - (b) Do the examiners of patent examining groups or any of the Office officials have discretion to completely ignore an applicant's discussion of legal precedent, or to cite court decisions in bad faith in an office action? In the Director's "Decision on Petition" dated 08/28/2000 (EXHIBIT E) in response to the undersigned's Petition dated 06/16/2000, the Director fails to respond to the undersigned's such statements of requesting the Examiners to apply legal precedent (see EXHIBIT D, pages 6-7 ). It is understood that the subject matter thereof does not pertain to whether a specific court decision apply to the prior art or the claim in question or to any discussion of technical details of the claims; The undersigned does agree that, "The merits of the patentability of the claims of this application is a matter failing within the jurisdiction of the Board ...", as so stated in the Director's "Decision on Petition" dated 08/28/2000.
  - (c) What is the patent examining group's training procedures with respect to requesting the examiners to follow the procedures and requirements set forth in M.P.E.P.?
  - (d) During the application period when an application being pending before the examining group (i.e., before commencement of appeal proceeding), what remedy does an applicant have if the examiners assigned to the case refuse to comply with the applicant's request

that the examiners follow the procedures and requirements set forth in M.P.E.P.? (note that, the Director dismissed / denied the undersigned's two petitions filed 10/27/1999 and 06/16/2000 respectively, see "EXHIBITS D-E").

(e) Does the Office have counter-corruption and anti-discrimination policies ?

9. The undersigned believes that the foregoing inquiries are reasonable since, in case of "important" (i.e. in terms of market value) invention being made by an independent or minority inventors, conflict of interests could be inevitable between the inventors and those established large corporations of similar business field who have substantial corruption power and resource therefore, especially in the case of *inter parte* actions / prosecution. Thus, it is reasonable for requesting the Office to address issues relating to corruption and discrimination, since and the current rule relies heavily on the examiners' and the examining group's discretion.

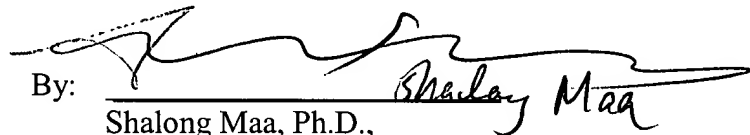
#### IV CONCLUSION

10. For the foregoing reasons, it is respectfully requested that the Group Director respond to the present letter. As described above, the present letter is not pertinent to any application / appeal proceedings nor submitted under a specific rule set forth in 37 C.F.R. Thus, the Group Director's refusal of responding hereto will be acceptable and will be so deemed should said response not be received by the undersigned within two months from the mailing date of this letter.

Respectfully submitted,

SIGNED on April 15, 2002

By:



Shalong Maa, Ph.D.,  
An independent Inventor  
P. O. Box 261458  
Plano, TX 75026  
(972) 618-7875



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER OF  
PATENTS AND TRADEMARKS  
Washington, D.C. 20231

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Paper No. 34

Application Number: 08/833,342

Filing Date: 08/833,342

Appellant(s): MAA

Shalong Maa

Appellant

EXAMINER'S ANSWER

MAILED

DEC 28 2000

GROUP 2000

This is in response to appellant's brief on appeal filed August 29, 2000.

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FEDERAL BUREAU OF INVESTIGATION  
U.S. DEPARTMENT OF JUSTICE

EXHIBIT A

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**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

The brief contains a statement identifying that there are no related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

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**(6) Issues**

The appellant's statement of the issues in the brief is substantially correct. There are only three issues:

- a.) Whether claims 35, 37, and 43 are properly rejected under 35 U.S.C. 102(e) as being anticipated by TONG.
- b.) Whether claims 36 and 38-42 are properly rejected under 35 U.S.C. §103(a) as being unpatentable over TONG.
- c.) Whether claims 44-60 are properly rejected under 35 U.S.C. 103(a) as being unpatentable over TONG as applied to claims 36 and 38 above, and further in view of GASPER ET AL.

The three issues listed above are shown on page 3 of Appellant's Appeal Brief as items (6.3), (6.4), and (6.5).

Appellant also lists on page 3 of his Appeal Brief two issues for which this Appeal Brief is not the proper avenue of redress:

- “(6.1) Applying authorities such as MPEP and prior case law as basis for interpretation of statutes and as source of supporting rationale - Errors in Rejections;
- (6.2) Answer all material traversed by Applicant - Errors in rejection and in rationale in support thereof;”



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The issues listed by Appellant as (6.1) and (6.2) are only pertinent to this Appeal where they relate to Appellant's appeal of the rejection of claims 35-60. The specific arguments made by Appellant are discussed regarding these issues are identified specifically below in Section (11).

**(7) *Grouping of Claims***

The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with. All of claims stand or fall together since they are not independently patentable.

**(8) *Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) *Prior Art of Record***

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

5,636,994

TONG

6-10-1997

5,111,409

GASPER ET AL

5-5-1992

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**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

- a.) Claims 35, 37, and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by TONG.
- b.) Claims 36, 38-42 are rejected under 35 U.S.C. §103(a) as being unpatentable over TONG.
- c.) Claims 44-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over TONG as applied to claims 36 and 38 above, and further in view of GASPER ET AL.

The above referenced rejections are set forth in prior Office Action, Paper No. 22 and are reprinted below for convenience:

- a.) Claims 35, 37, and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by TONG. TONG discloses an interactive, computer-controlled doll, as described in the previous Office Action, in which actuators to move the doll's body parts. TONG discloses providing a signal from the computer to the doll, which in turn moves the appropriate parts of the doll (mouth, arms, etc.) depending on whether the signal is present or not. Note that while the information within the signal is analog data, the dolls actuators respond to the presence or lack of the signal, taking not the audio data within, but the presence of the signal itself as a logic signal.

TONG also discloses (in embodiment in Fig. 6) a voice-recognition feature where the user can speak into a microphone and the computer will recognize the words and provide the appropriate signal(s) to the doll. (See TONG columns 2-4 and figures 1, 6.)

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b.) Claims 36 and 38-42 are rejected under 35 U.S.C. §103(a) as being unpatentable over TONG. TONG discloses the claimed invention except for the actuators being comprised of a "solenoid means".

However, Applicant is given Official Notice that the use of solenoids as actuators for the movement of dolls and figures is well known in the art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to connect two-phase solenoids as the actuators in the invention of TONG in order to reduce the complexity and cost of the actuators and the invention.

c.) Claims 44-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over TONG as applied to claims 36 and 38 above, and further in view of GASPER ET AL.

TONG substantially discloses the claimed invention except for specifically describing the "digital animation-control signal sequence being associated with selected audio speech ... and transmitted to the toy in synchronization with the transmission".

GASPER ET AL discloses a system for sound-synchronized animation for use in a game, as described in the previous Office Action. GASPER ET AL builds and saves its own dictionary file after determining the proper lip synchronization of an inputted word. GASPER ET AL also teaches different articulations for various sounds: silence, vowels, and consonants.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the method of sound analysis used in GASPER ET AL in the invention of TONG in order to efficiently and accurately analyze and coordinate the inputted user sounds with the movement signals sent to the doll of TONG.

Examiner also notes that TONG does disclose the use of voice-recognition software to analyze inputted voice data. Examiner also notes that it is a standard programming technique to store inputted data of all types, including voice recognition data, in memory arrays for temporary use and in text files for permanent storage and later retrieval.

*(11) Response to Arguments*

In Appellant's Brief page 4, Part VIII.1, Paragraph 1A, Appellant alleges that the Examiner rejects the claims "without source of supporting rationale, such as applying case law or citation of authorities". However, the Examiner has given supporting rationale regarding the rejections in the form of explanations of how the claims in the instant application read on the prior art and how the prior art anticipates or teaches and makes obvious the claims in the instant application. Those rejections and explanations are reprinted above for convenience.

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In Appellant's Brief page 4, Part VIII.1, Paragraphs 1B-1D, Appellant is apparently requesting a discussion of the legal precedents regarding the case. However, the Examiner has made the rejections based on the claims and the prior art, relying on the claimed structure and function of the invention, not on legal arguments, except where appropriate (such as where they are provided by the official Form Paragraphs.)

In Appellant's Brief pages 5-7, Part VIII.2, Paragraphs 2A1-2E2, Appellant appears to be again alleging that the Examiner gave no reason or explanation of the rejection of the claims in the instant application. Examiner maintains that this is not so and refers the Appellant again to the most recent statement of the rejections, reprinted above for convenience.

In Appellant's Brief pages 7-8, Part VIII.3, Section 8.3A (entire) and Section 8.3B, Appellant appears to be narrating his response to the Examiner's First Action on the Merits Paper No. 3), where the Examiner mistakenly referenced 102(b) instead of the correct 102(e) in the rejection of some of the claims. Examiner regrets the angst this has caused the Appellant but the mistake is irrelevant now, since the present rejection of claims 35, 37, and 43 is made clearly under 35 USC 102(e).

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In Appellant's Brief pages 8-9, Part VIII.4, Sections 8.3A (entire) and Section 8.4B, paragraphs B1-B2i, Appellant argues that the elements of claims 35, 37, and 43 are not anticipated by TONG. However, TONG shows the following:

<u>Claim 35</u>	<u>Tong</u>
"Actuation means"	shown in TONG as motors (27, 28)
"situated within said body"	shown in TONG as (23)
"operable by an external digital animation-control signal"	in TONG the signal comes from CPU (12) and Sound Processor (18)
"said actuator having only two phases..."	in TONG the solenoid responds to the presence or absence of the signal, so there are only two phases (See TONG columns 2-4 and figures 1 and 6)
<u>Claim 37</u>	<u>Tong</u>
"situated within said body"	shown in TONG as (23)
"operable by an external digital animation-control signal"	in TONG the signal comes from CPU (12) and Sound Processor (18)
"and operable by the external digital animation-control signal"	in TONG the signal comes from CPU (12) and Sound Processor (18)
<u>Claim 43</u>	<u>Tong</u>
"said external digital control signal sequence includes a second digital control signal sequence"	TONG discloses using multiple control sequences for moving the eyes, the mouth, and doing so repetitively
"actuation means includes a first and a second actuators"	shown in TONG as motors (27, 28)
"for causing independent movements of said two movable portions"	shown in TONG as (24, 26)

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In Appellant's Brief page 9, Part VIII.4, Section 8.4B, Paragraph B2-ii - Paragraph B3, Appellant appears to be restating arguments and allegations that have been addressed above. *z*

In Appellant's Brief pages 10-11, Part VIII.5, Section 8.5A, Paragraph A1 - Paragraph A3b, Appellant states that he submitted a list of "five (5) different superior properties and functions claimed in the invention" but the Examiner "fails to state under what circumstances the presence of superior properties and new functions would be 'not sufficient to prove non-obviousness'" and fails to discuss why Applicant's citation of authority does not support Applicant's traverses.

However, in the Final Rejection of the CPA (Paper No. 2), the Examiner stated:

21. Applicant states on page 7 sections 8.6 and 8.7 of his Response that "It is understood that presence of a superior property or property not possessed by the prior art or unexpected or greater than expected result are evidence of non-obviousness. ... In addition, absence of a property which the present invention would have been expected to possess on the teachings of the prior art also renders unobviousness [sic] of the invention. However, while this two concepts provide evidence of non-obviousness, they are not always sufficient to prove non-obviousness. More importantly, Applicant has not shown any unexpected results, superior properties, or absent properties which would obviate the rejections detailed in paragraphs 3-6 above.

The list of "five (5) different superior properties and functions claimed in the invention" given by the Appellant is little more than a restatement of the properties of the instant invention disclosed

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in the Specification. The Examiner explained in the rejection of the relevant claims how the claims in the instant invention read on the prior art. Appellant's list of "five (5) different superior properties and functions claimed in the invention" have thus already been addressed.

Regarding Appellants contention that the Examiner "fails to state under what circumstances the presence of superior properties and new functions would be 'not sufficient to prove non-obviousness'", the Examiner suggests that Appellant is trying to place the burden of finding superior or unexpected properties of the invention with the Examiner instead of finding them himself.

In Appellant's Brief page 11, Part VIII.5, Section 8.5A, Paragraph A4a - Paragraph A4c, Appellant cites legal precedent that he alleges removes the suggestion to combine from the rejection of the claims in his own application. Examiner notes that Appellant does not specifically address which combination he is referring to, however, Examiner maintains that the suggestion to make the combination or modification for both 103(a) rejections is clear and is reprinted in section (9) above for convenience.



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In Appellant's Brief pages 11-12, Part VIII.5, Section 8.5A, Paragraph A5a - Paragraph A5c, Appellant argues that "TONG does not teach nor suggest any digital 'animation-control' signal or any other type of control signal" and "the electronic devices employed in TONG .. do not facilitate conventional digital control of a solenoid." However, Examiner maintains that "the use of solenoids as actuators for the movement of dolls and figures is well known in the art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to connect two-phase solenoids as the actuators in the invention of TONG in order to reduce the complexity and cost of the actuators and the invention."

In Appellant's Brief pages 12-13, Part VIII.5, Section 8.5A, Paragraph A6a - Paragraph A7c, the Appellant maintains the Examiner has "an incorrect understanding of the reference[s]". However, the Appellant does not show exactly how the Examiner's "incorrect understanding" affects the rejections of the claims and the Examiner suggests that the Appellant may have an incorrect understanding of the rejection and refers the Appellant to the rejections as reprinted above.

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In Appellant's Brief page 13, Part VIII.5, Section 8.5A, Paragraph A8a - Paragraph A8b,

Appellant explains he "has difficulties understanding the rationale" of the rejection of claims 36 and 38-42 under 35 U.S.C. §103(a) as being unpatentable over TONG. However, the rejection and its explanation are clearly stated above.

Appellant further states that "it appears the Examiner also agrees Applicant's such argument of Lack of Success of Others". However, Appellant's statement is misleading. The Examiner's explanation from the previous Office Action (Paper No. 22) is reprinted here for clarification:

24. Applicant states on page 8 section 11.2 and 11.3 of his Response that "There is still no product in the market that is similar to the present invention ... Therefore, there is no evidence for supporting reasonable expectation of success for the proposed modification by the Examiner at the time the present invention was made, which apparently substantiate the conclusions that present invention is nonobvious."

However, while success or lack thereof can be used as evidence of novelty, it is not sufficient in itself to prove novelty. More importantly, Applicant has not pointed out how success or absence in the market place obviates the rejections detailed in paragraphs 3-6 above and Examiner maintains those rejections.

In Appellant's Brief pages 13-14, Part VIII.5, Section 8.5B, Paragraph B1 - Paragraph 1B-I,

Appellant states "Embodiments and/or limitations set forth in the following claim languages are not described nor suggested by TONG" and then lists the claim recitations. However, these claim limitations are effectively the same as those addressed above on pages 8-9 of this Examiner's

Answer.

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In Appellant's Brief pages 14-16, Part VIII.5, Section 8.5A, Paragraph 1b-ii - Paragraph 1d, Appellant lists more claims that he alleges "patentably distinguish the claimed invention from the combination of TONG and GASPER ET AL." However, the Appellant is not listing specific limitations that he believes are not taught in the combination of TONG and GASPER ET AL but rather listing all the limitations of the claims. These claim limitations are each addressed in the rejections which are reprinted in section (9) above for convenience.

In Appellant's Brief pages 16-22, Part VIII.5, Section 8.5A, Paragraph B2 - Paragraph h.3, Appellant lists his "New and different Functions and Superior Properties of the claimed invention" in these pages. However, as Appellant states on page 17, these are simply "repeated herein as follows" and represent a restating of the aspects of the instant invention as described in the Specification and as repeatedly listed by Appellant in his remarks. These new features have been addressed fully in the rejections as repeated above and further explained in the previous responses to Appellant's arguments.

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In Appellant's Brief page 22, Part VIII.5, Section 8.5A, Paragraph B3 - Paragraph 3e, Appellant argues that TONG is non-analogous art to the instant invention. Examiner disagrees and notes that TONG discloses an interactive, computer-controlled doll, as does the instant invention. Examiner suggests that when Appellant points out paragraph 3c of his Brief that "the problem with which TONG is concerned is to provide a combination of computer and an animated sounding doll and a sound signal-splitter..." the Appellant is pointing out as an inventor and as an expert in the field what the biggest challenge the inventor TONG had to overcome with his invention. However, this is reading too narrowly what TONG discloses and Examiner maintains that TONG, when read as a whole, is analogous to the art of the instant invention for the reasons stated above.

In Appellant's Brief page 23, Part VIII.5, Section 8.5A, Paragraph B4 - Paragraph 4d, Appellant argues that GASPER ET AL is non-analogous art to the instant invention. However, Examiner reminds the Appellant that GASPER ET AL discloses a system for sound-synchronized animation for use in a game, and is therefore analogous art to the instant invention.

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In Appellant's Brief pages 23-25, Part VIII.5, Section 8.5A, Paragraph B5 - Paragraph 8c, Appellant argues that the combinations of prior art made in the rejections of the claims of the instant invention would not be functionally feasible but does not say why they would not be feasible, other than to allege the combination was not suggested in the art.

In Appellant's Brief page 25, Part VIII.5, Section 8.5A, Paragraph B9 - Paragraph 9b, Appellant labels the section "Lack of Success of Others" - a topic already addressed above - but actually argues that solenoids are not used for actuating body parts of dolls. While solenoids are used less now that solid state electronics are more common in toys, at the time the invention was made, solenoids were a common method of moving doll parts up or down, open or close eyes, open or close mouths, etc. The two-state operation of a solenoid made them natural choices for two-option movement: up/down, open/close, etc.

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In Appellant's Brief page 26, Part IX, Appellant "respectfully points out that Applicant received the second Office Action dated 5/15/00 more than six and a half (6.5) months after Applicant's Response filed 10/27/99, and respectfully requests proper advancement of the Application proceeding". However, Appellant is reminded that when he mailed the Response on 10/27/99 (Paper No. 15), he also simultaneously filed a Petition Under 37 CFR 1.181 (Paper No. 16) which required special handling and consideration by the Group Director and also by the Office of Petitions. The Examiner submits that it is disingenuous of the Appellant to suggest that the length of time in the prosecution of this application has been caused by the USPTO. Appellant is also reminded that he has been apprised of this issue before.

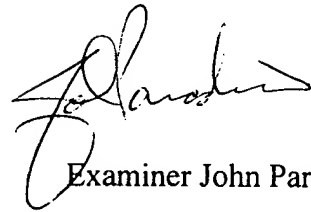
Application/Control Number: 08/833,342

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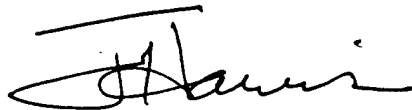
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For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,



Examiner John Paradiso



Primary Examiner (Conferee) Jessica Harrison



Supervisory Primary Examiner Peter Vo  
November 21, 2000

Application/Control Number: 08/833,342

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Shalong Maa, Ph.D., President  
SMA International, Inc.  
816 McDeavitt Drive, #1077  
Arlington, TX 76011

EXHIBIT A



**Notification of Non-Compliance with  
37 CFR 1.192(c)**

Application No.  
08/833,342

Applicant(s)  
MAA

Examiner  
John Paradiso

Group Art Unit  
3713



The Appeal Brief filed on 6/6/00 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

Applicant is given a TIME LIMIT of ONE MONTH from the date of this letter or any time remaining in the period under 37 CFR 1.192(a) for filing a new complete brief. If a new brief that fully complies with 37 CFR 1.192(c) is not timely submitted, the appeal will be dismissed. The new complete brief must be filed IN TRIPLICATE. See 37 CFR 1.192(a).

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
  - a. ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - b. ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

*Applicant has filed an after-final amendment which has been entered (Applicant was informed of this via Advisory Action, Paper No. 27). A new Appeal Brief must be filed with an updated Appendix, reflecting the new state of the claims.*

*Paradiso, Examiner*

PETER VO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

**EXHIBIT B**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Maa, Shalong

Application No.: 08/833,342

Art Unit: 3713

Filing Date: April 4, 1997

For: Computer-Controlled Talking Figure Toy with Animated Features

Assistant Commissioner for Patents  
(Box - Patent Appeal)  
Washington, D.C. 20231

The following items are enclosed in this communication:

1. Notice of Appeal
2. BRIEF in Support of Appeal Under 37 C.F.R. § 1.191, 1.192  
(in triplicate, 3 x 33 pages)
3. Copies of *Previously Filed* Evidence - DECLARATION Under 37 C.F.R. § 1.132  
(in triplicate - 3 x 5 pages)
4. Copies of Previously Filed Amendment Under 37 C.F.R. § 1.116  
(in triplicate - 3 x 5 pages)
5. Fee for Notice of Appeal - \$150.
6. Fee for Appeal BRIEF - \$150.
7. A Self-addressed Postcard including above Information.

---

Certificate of Mailing / Transmission Under 37 C.F.R. § 1.8(a), 1.10

I hereby certify that, on the day shown below, this correspondence is being:

- ☒ Deposited with the United State Postal Service in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 ,
- ☒ as "Express Mail Post Office to Addressee" Mailing No. EK434092510US .

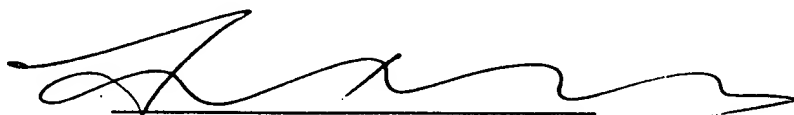
  
SignatureDate: 06/06/00Shalong Maa  
(Type or print name of person certifying)

EXHIBIT C

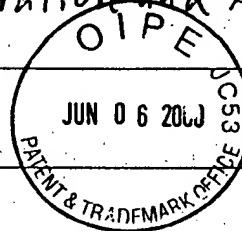
From: USPTO / Patent App No 08/833,342

We hereby confirm, and inform Mr. Maa, that the following items are received from Mr. Shalong Maa, Ph.D.

- ① Notice of Appeal for Patent App No. 08/833,342
- ② Fee of \$150.<sup>00</sup> for Notice of Appeal
- ③ Brief in Support of Appeal (3 x 33 pages)
- ④ Fee of \$150.<sup>00</sup> for Brief.
- ⑤ Copies of Declaration and Amendment (3x5 + 3x3 Pages)

Serial No. \_\_\_\_\_

Stamp or Signature \_\_\_\_\_



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Maa, Shalong

Application No.: 08/833,342

Art Unit: 3713

Filing Date: April 4, 1997

For: Computer-Controlled Talking Figure Toy with Animated Features

Assistant Commissioner for Patents  
Attn: Group Director  
Washington, D.C. 20231

Dear Director:

PETITION TO INVOKE SUPERVISORY AUTHORITY OF THE COMMISSIONER  
UNDER 37 C.F.R. § 1.181


In re ex parte prosecution of the above-identified patent application, Applicant respectfully petitions the commissioner to invoke supervisory authority of the commissioner.

---

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\_\_\_\_\_  
Signature

Date: 06/13/00

Shalong Maa  
\_\_\_\_\_  
(Type or print name of person certifying)

EXHIBIT D

1. Applicant has previously filed Petition on 10/27/99 under 37 C.F.R. § 1.181, concurrently with Applicant's Response to the Office Action of 08/02/99, to invoke supervisory authority of the Commissioner. The previous Petition was taken from excessive errors and unresponsiveness to Applicant's argument in the Office Action dated 08/02/99, and from communication problems Applicant had during the prosecution. The petition was dismissed by the Group Director for untimely filing and lack of repeated action by the examiner. Applicant respectfully accepted Group Director's decision, as so stated in Applicant's communication submitted 01/10/00.
2. Applicant respectfully points out that, the second Office Action dated 05/15/00 is still unresponsive to Applicant's many important points of argument and citation of authorities, as described in detail hereinbelow, although the Office Action does provide substantial discussion of certain issues raised by Applicant. In addition, Applicant received the Office Action of 05/15/00 more than six and half (6.5) months after Applicant's Response filed 10/27/99. Thus, the present Petition is also taken from the Office's withholding of the application proceeding.

### STATEMENT OF FACTS

#### 3. Withholding of the Proceeding

As described above, the second Office Action dated 05/15/00 was sent to Applicant more than six and half (6.5) months after Applicant's Response filed 10/27/99 without written statement of cause of the delay. Applicant had made several attempts to obtain status information of the application from the Office, including postal-mails and facsimile communication, without any written reply thereto. Applicant also had two telephone conversations with the Examiner during which Applicant was informed that the second Office Action was forthcoming. However, Applicant was not able to receive the second Office Action until after tele-conference with the Group Director, Ms. E. Rollins-Cross, in person on 05/09/00.

#### 4. Unresponsive Office Action / Illogical Argument

4.1. Applicant has vehemently requested that Examiner answer all materials traversed and provide full response to Applicant's each argument point, as so stated in Applicant's previous Response filed 10/27/99 as: "Examiner has[ve] ignored and is unresponsive to almost all points of arguments in the REMARKS [Applicant's previous communication filed 07/04/99] ... Applicant respectfully requests, and insists, that Examiner explicitly addresses (either agree or point out the exact portion that he/she is opposed to), in the ensuing Office Action, each and every point of argument herein and in the REMARKS"

4.2 However, the next Office Action dated 05/15/00 is still unresponsive to Applicant's many important points of argument and citation of authorities, although the Office Action does provide substantial discussion of certain issues raised by Applicant. In some cases, Applicant has difficulties in understanding the rationale of Examiner's argument and response. For example, with respect to Applicant's communication filed 10/27/99:

- (a) (i). The Office Action of 05/15/00 fails to respond to, (1) discussions of "Non-analogous Art" in subsection 4.2 on page 4, (2) citation of authority in subsection 4.1 on page 4 in support of the "Non-analogous Art" argument, and (3) discussions and citation of authority in subsection 4.3 on page 5 in support of the "Non-analogous Art" argument.
- (ii). Note that, the Office Action does provide very brief response to Applicant's request in subsection 4.4 on page 5.
- (b) (i). The Office Action of 05/15/00 fails to respond to, (4) discussions of "Different Structures and Functions" in subsection 5.1 on page 5, in Applicant's Response filed 10/27/99.
- (ii). Note that, in response to Applicant's argument in subsection 5.3 on page 5, the Office Actions of 05/15/00 states in section 18 ( page 12-13), that *"... Applicant's argument fail to comply with 37CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references"*.
- (iii). On the contrary, subsection 5.1 of Applicant's 10/27/99 Response does specifically point out how the claim languages patentably distinguish them from the references, and refers to the REMARKS portion of Applicant's communication of 07/04/99 which also points out how the claim languages patentably distinguishes them from the references (e.g., in section 4, subsections 5.2-3, subsections 5.4-6, and at end of section 7 of the REMARKS). There is no response to these discussions in any of the two Office Actions.
- (c) (i). The Office Action of 05/15/00 fails to respond to, (5) citation and discussion of authority in subsection 6.1 on page 5 in support of the argument under "Claim Limitation Not Being Taught or Suggested in Prior Art", in Applicant's Response filed 10/27/99.
- (ii). Note that, in response to Applicant's argument in subsection 6.3 on page 6, the Office Action states in section 19 on page 13 that *"Applicant's argument fail to comply with 37CFR 1.111(b) because they amount to a general allegation that claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references"*.
- (iii). However, the entire claim languages of Claims 35-36 are drawn to the

IMPROVEMENT of the present invention compared with prior art inventions, and specifically set forth the claim elements that patentably distinguish the claimed invention from the references. Thus, again, Applicant respectfully represents that it is very difficult to understand the rationale of the Examiner's argument.

- (d) (i). The Office Action of 05/15/00 fails to respond to, (6) discussions of "Proposed Modification Not Feasible[ility]" in subsections 7.1-3 on page 6, in Applicant's Response filed 10/27/99.
- (ii). Note that, In response to Applicant's argument in subsection 7.4 on page 6, the Office Action of 05/15/00 states, on page 14 (section 20), that "... *since Applicant has not given any reason why such a modification is not feasible, the argument amounts to a general allegation ....*"
- (iii). On the contrary, Applicant does specifically point out, in the very same section, why the alleged modification of the reference be functionally unfeasible, and refers to Applicant's previous communication of 07/04/99 which also provides technical arguments regarding the alleged modification of the reference being functionally unfeasible. There is no response to these discussions in any of the two Office Actions. Thus, again, Applicant respectfully represents that it is very difficult to understand the rationale and good faith of Examiner's argument.
- (e) The Office Action of 05/15/00 fails to respond to, (7) citation of authority in subsection 9.1 on page 7 in support of the discussion of "Subject Matter as a Whole", in Applicant's Response filed 10/27/99.
- (f) The Office Action of 05/15/00 fails to respond to, (8) discussions of "modification needs to be substantial" in subsection 10.1 on page 7-8, in Applicant's Response filed 10/27/99.

## 5. Interpretation of Statutes Applied

5.1 Applicant acknowledges that majority of the arguments in the Office Actions dated 08/02/99 and 05/15/00 in support of the obviousness Rejections therein are mere statement of Examiner's personal opinion with respect to obviousness of a specific device (i.e., solenoid) employed in the claimed invention, without source of supporting rationale.

5.2 In regarding applying authorities such as MPEP and prior case law in interpretation of the statutes applied in Rejections and lack thereof in the 08/02/99 Office Action, Applicant's Response of 10/27/99 states that "Applicant has provided Legal Precedent in support [of] the arguments herein, and respectfully request that Examiner do the same should he/she is [be] opposed to any of said arguments." and "The value of the exceedingly large body of precedent wherein our predecessor courts and this court have applied the law of obviousness to particular facts, is that there has been built a wide spectrum of illustrations

and accompanying reasoning, that have been melded into a fairly consistent application of law to a great variety of facts.' In re Eli Lilly & Co., 902 F.d. 943, 14 USPQ2d 1741 (Fed. Cir. 1990)" (See also MPEP§ 2144 )

5.3 Apparently, the next Office Action of 05/15/00 fails to respond to these requests. As described above, Applicant again does not find any suitable citation or discussion of MPEP, legal precedent or other authorities as basis for interpretation of the statutes applied in the Rejections in response to Applicant's argument, and there is no discussion as to why Applicant's citations of authorities do not provide sufficient support of Applicant's traverses, although all Claims have been rejected.

5.4 (a). The 05/15/00 Office Action does refer to "*In re Fine*" and "*In re Jones*" in section 23 on page 16 in supporting the obviousness rejections therein, which are the only two cases referred to in the Office Actions. Applicant acknowledges that discussions of the court decisions in *In re Fine* and *In re Jones* are also provided in MPEP §2143.01, which states that "In *In re Fine*, .... The examiner and Board asserted that it would have been within the skill of the art to ..., however the court found there was no support or explanation of this conclusion and reversed. " and "In *In re Jones*, ... The court found there was no suggestion to combine these references to arrive at the claimed invention."

(b). Thus, it appears that the rationale used by the court in both two cases are in support of Applicant's traverses instead of Examiner's ground of Rejections. Thus, again, Applicant has difficulties in understanding the rationale of the argument in the Office Action and Examiner's good faith.

5.5 (a). The 05/15/00 Office Action states, on page 10 (under section 14), that "*where an explanation or argument is being maintained from one Office Action to the next, it is appropriate to 'cut and paste' from the first to the second action in order to avoid unnecessary or confusing changes in wording ...*"

(b). However, Applicant acknowledges that the Office Action of 05/15/00 includes a new statutory basis as ground of rejecting claims, i.e., anticipation Rejections under 35 U.S.C. § 102(e), and the entire arguments in support thereof (section 4 / page 3) is "*cut and paste*" from Section 4 (page 3-4) of the Office Action dated 11/10/98, which were provided in support of Rejections under a different statutory basis, i.e., obviousness Rejections under 35 U.S.C. § 103(a).

#### POINTS TO BE REVIEWED

6. Applicant respectfully requests that the Group Direct review the foregoing facts and Applicant's, as well as the Examiner's, bona fide attempt to properly advance the application proceeding in good faith.



### ACTIONS REQUIRED

#### 7. Proper Advancement of the Proceeding

7.1 Applicant respectfully represents that proper advancement of the examination proceeding in its regular turn by the Office is vital to Applicant's interests. Applicant has filed Appeal from the Examiner's decision of rejecting Claims to the Board of Patent Appeals and Interference, and is specially concerned with proper advancement of the appeal proceeding.

7.2 Since there has been withholding of the application proceeding by the Office without written statement of cause thereof, as described hereinabove, Applicant hereby respectfully requests proper advancement of the examination and appeal proceedings and that the Group Director supervise the advancement.

#### 8. Answer All Material Traversed

8.1 In Applicant's Response filed 10/27/99, Applicant has vehemently requested that Examiner answer all materials traversed. Applicant believes that such request complies with Office rules, practice, and procedure. However, as described above, the second Office Action dated 05/15/00 still fails to respond to Applicant's many important argument points.

8.2 Applicant has repeated such request of answering all material traversed in the previous Petition and in the recently filed Appeal Brief, and would like to repeat the request herein again as follows:

Each argument section / subsection of the recently submitted Appeal Brief is carefully labeled in numerical and/or alphabetic order for the convenience of the Examiner; Applicant respectfully requests that the ensuing Examiner's Answer or Action provide precise and full response to Applicant's each point of argument therein, i.e., either provide brief statement of agreement therewith, or point out the exact portion that Examiner is opposed to, and state why Applicant's each citation of authority or applying legal precedent does not provide sufficient support of Applicant's traverse if so regarded by the Examiner; Applicant respectfully represents that lack of response to Applicant's any argument point would be construed as Examiner's agreement therewith.

#### 9. Interpretation of Statutes Applied

9.1 In Applicant's Response filed 10/27/99, Applicant has requested that Examiner follow *Graham v. John Deere Co.* in consideration and determination of obviousness of the claimed invention under 35 U.S.C. 103, as required by MPEP § 2141, and that Examiner provides suitable discussion of prior case law or citation of authority in support of the Rejections. Apparently, as described above, these requests have been disregarded by the Examiner.

9.2 Applicant has, in the recently filed Appeal Brief, repeated such request of relying on authorities in obviousness rejections, and would like to repeat the request herein again as follows:

Applicant has provided sufficient citations of authorities and/or discussions of prior case law in recently filed Appeal Brief in support of Applicant's traverses and argument. Applicant respectfully requests that Examiner do the same in the ensuing Examiner's Answer or Action in support of its argument and in interpretation of statutes applied in Rejections, and state therein why Applicant's each citation of authority or reference to prior case law or rationale used by the court does not provide sufficient support of Applicant's traverse if so regarded by the Examiner.

### CONCLUSION

For the foregoing reasons, Applicant respectfully petitions the commissioner to invoke supervisory authority of the commissioner Under 37 C.F.R. § 1.181.

Respectfully submitted,

By: 

Shalong Maa  
(Print name of person signing)

Date: 06/12/00  
SMA International, Inc.  
816 McDeavitt Dr., 1077  
Arlington, TX 76011  
(214) 587-0953

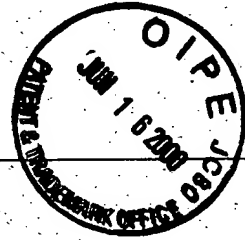
From: USPTO / (App No. 08/833,342)

We hereby confirm, and inform Mr. Maa, that the following items are received from Mr. Shalong Maa, Ph.D.

*Petition To Invoke Supervisory Authority  
of the Commissioner Under 37 CFR 1.181.  
(7 pages)*

Serial No. \_\_\_\_\_

Stamp or Signature \_\_\_\_\_



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AUG 28 2000

Paper No. 30

In re Application of :  
Shalong Maa : DECISION ON PETITION  
Application No. 08/833,342 :  
Filed: April 4, 1997 :  
For: Computer-Controlled Talking :  
Figure Toy With Animated :  
Features :

This is a decision on the petition filed on June 16, 2000 by which petitioner requests supervisory review of the examiner's final action dated May 15, 2000 ( paper No. 22) and certain other relief as will appear below.

The petition is denied.

Petitioner requests that the undersigned review the facts as stated on pages 3-5 of the petition. In general, many of the "facts" that petitioner alleges are in reality petitioner's opinions of the correctness of the examiner's action on the merits of the patentability of the claims. The merits of the patentability of the claims of this application is a matter falling within the jurisdiction of the Board of Patent Appeals and Interferences (BPAI) pursuant to 35 U.S.C. 134 and 37 CFR 1.191. In fact, it is noted that petition has filed a notice of appeal (June 6, 2000, paper No. 24) and an appeal brief (June 6, 2000, paper No. 25). As these matters are issues falling within the jurisdiction of the BPAI, they are not within the jurisdiction of the undersigned by way of petition. See 37 CFR 1.181(a), first sentence.

With respect to the facts by which petitioner alleges that the action of May 15, 2000 is incomplete in that it fails to address certain arguments raised by petitioner, (items 4.1 and 4.2 appearing on pages 2-4 of the petition), a review of the action leaves the undersigned with the firm conviction that the action is a complete and thorough reply to the substance of the request for reconsideration filed by petitioner on October 27, 1999 (paper No. 15). The examiner and Supervisory Patent Examiner promulgated an action comprising sixteen typewritten pages (beginning with page 2, the first page being a covering form), of which the pages numbered 6-16 comprise a detailed reply to the arguments presented by petitioner. That each specific argument made by petitioner is not addressed by listing it specifically with the identification numbering employed by petitioner does not mean that the action was fatally incomplete or defective. Indeed, a review shows that every position taken by petitioner was responded to, most in explicit terms in pages 6-16 of the action, and the remainder by implication within the statement of the rejection and supporting rational therefore as set forth on pages 2-5 of the action. That petitioner does not agree with the rejections or the explicit statements on pages 6-16 of the action, as reflected in the filing of an appeal, does not make the action fatally incomplete or defective.

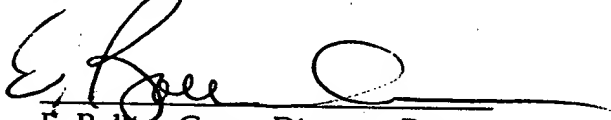
Finally, with respect to the delay in issuing the May 15, 2000 action, petitioner should note that six papers (paper Nos. 16-21) intervene between the request for reconsideration and the final

EXHIBIT E

action. An examiner is obviously unable to act on an application when the application is not on the examiner's desk because it requires action on other papers, and/or because the other papers have to be associated with and entered into the application file. Further, petitioner should note that the preparation of the May 15, 2000 action obviously required a great deal of time, particularly in that approximately eight months elapsed between the examination which resulted in the Office letter dated August 2, 1999 and the availability of the application for the examination which resulted in the Office letter dated May 15, 2000. As an appeal and brief have now been filed, petitioner's application will certainly receive the appropriate priority treatment by the examiner and Supervisory Patent Examiner mandated by that status.

In summary, the petition presents no basis for granting any of the relief requested. Petitioner has the right to file a request for reconsideration of this decision, provided that the request for reconsideration is filed within two months of the date of this decision. See 37 CFR 1.181(f). The period for reply to the letter of informality dated July 26, 2000 (paper No. 28) is not stayed by the filing of the present petition, and continues to run as set in that letter .

PETITION DENIED.



E. Rollins-Cross, Director, Patent  
Examining Groups 3710 and 3720

Shalong Maa, Ph.D., President  
SMA International, Inc.  
816 McDeavitt Drive, #1077  
Arlington, TX 76011

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Maa, Shalong

Application No.: 08/833,342

Art Unit: 3713

Filing Date: April 4, 1997

For: Computer-Controlled Talking Figure Toy with Animated Features

Assistant Commissioner for Patents

Attn: Group Director

Washington, D.C. 20231

TELEPHONE INTERVIEW SUMMARY

The telephone interview between the undersigned Applicant and the Group Director, Ms. E. Rollins-Cross on 11/13/2000 is summarized herein as follows:

- (1) Applicant pointed out that the Examiners assigned to the present case have not been following the Examination procedures described in MPEP. For example, the "Notification of Non-Compliance with 37 CFR 1.192(c)" dated 07/26/2000 (Paper No. 28) does not comply with MPEP§ 1206 which states that, "*The brief of a pro se appellant which does not contain all of the items, (1) to (9), specified in 37 CFR 1.192c will be accepted as long as it substantially complies with the requirements of items (1), (2), and (8)*" [Note: description of other problems in the previous Office Actions are provided in Applicant's Petitions filed 10/27/1999 and 06/13/2000]

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I hereby certify that, on the day shown below, this correspondence is being:

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SignatureDate: 11/14/2000Shalong Maa  
(Type or print name of person certifying)

EXHIBIT F

- (2) Applicant also pointed out that the prosecution of the present application have been delayed by the Examiners repeatedly and for substantial amount of time [the Examiners did not respond to Applicant's communication filed 10/27/99 for more than six months until 05/15/2000; and the Examiner has not yet acted on (the answer to) Applicant's Appeal Brief, which was filed more than five months ago on 06/06/2000];
- (3) Applicant mentioned the importance and projected market value of the invention and potential damage to Applicant's business interests caused by the delay;
- (4) The Group Director agreed that the Examiner(s) will complete the answer to Applicant's Appeal Brief by the end of this week (11/17/2000);
- (5) Applicant acknowledged, during the interview, that the Primary/Supervisory Examiner of the present case has been changed to Mr. VO PETER DUNG. According to Applicant's understanding, the Group Director cited the Assistant Examiner Mr. John Paradiso's changing group unit as cause thereof.

Respectfully submitted,

By: 

Sherry Mae  
(Print name of person signing)

Date: 11/14/2000  
SMA International, Inc.  
816 McDeavitt Dr., 1077  
Arlington, TX 76011  
(817) 795-3526

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Maa, Shalong

Application No.: 08/833,342

Art Unit: 3713

Filing Date: April 4, 1997

For: Computer-Controlled Talking Figure Toy with Animated Features

Assistant Commissioner for Patents  
Washington, D.C. 20231

## TELEPHONE INTERVIEW SUMMARY

The telephone interview between the undersigned Applicant and the (Assistant) Examiner Mr. John Paradiso on 11/13/2000 is summarized herein as follows:

- (1) Applicant pointed out that Examiners' "Notification of Non-Compliance with 37 CFR 1.192(c)" dated 07/26/2000 (Paper No. 28) does not comply with MPEP§ 1206 [which states that, "*The brief of a pro se appellant which does not contain all of the items, (1) to (9), specified in 37 CFR 1.192c will be accepted as long as it substantially complies with the requirements of items (1), (2), and (8)*"];]
- (2) Applicant also pointed out that the prosecution of the application has been delayed by the Examiners repeatedly and for substantial amount of time [the Examiners did not respond to Applicant's communication filed 10/27/99 for more than six months until 05/15/2000; and the Examiners have not yet acted on (the answer to) Applicant's Appeal Brief, which was filed more than five months ago on 06/06/2000];

---

Certificate of Mailing / Transmission Under 37 C.F.R. 1.8(a)

I hereby certify that, on the day shown below, this correspondence is being:

☒ Transmitted by facsimile [ (703) 305-3579 ] to the Patent and Trademark Office.

  
Signature

Shalong Maa

Date: 11/14/2000

(Type or print name of person certifying)

EXHIBIT G



- (3) The Examiner agreed to complete the answer to Applicant's Appeal Brief by Thursday of this week (11/16/2000);
- (4) Applicant mentioned to the Examiner the importance and projected market value of the invention and potential damage to Applicant's business interests caused by the delay.

Respectfully submitted,

By: 

Shalony Maa

(Print name of person signing)

Date: 11/14/2000  
SMA International, Inc.  
816 McDeavitt Dr., 1077  
Arlington, TX 76011  
(817) 795-3526